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ADT Security Services, Inc.*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION**

ADT SECURITY SERVICES, INC.,

Plaintiff,

vs.

SECURITY ONE INTERNATIONAL, INC.,  
et al.,

Defendants.

CIVIL ACTION No. C 11-05149-YGR

**PLAINTIFF ADT'S AMENDED  
PROPOSED VERDICT FORM**

JURY TRIAL DEMANDED

**VERDICT FORM**

**ADT Claim #1: ADT's Claim for Violation of the Lanham Act Against Security One**

**(Preponderance of the Evidence)**

We, the jury, duly empaneled and sworn in this action, upon our oaths, find as set forth below:

1. Did Security One International, Inc. and/or its agents make a false or misleading statements of fact, or false or misleading representations of fact?

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

2. Did the false or misleading statements or representations likely cause confusion, or cause mistake, or deceive as to the affiliation, connection, or association of Security One International, Inc. with ADT, General Electric, or Honeywell?

3. Was Plaintiff injured as a result of the false or misleading statements?

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

**ADT Claim #1: ADT's Claim for Violation of the Lanham Act Against Security One:  
Jury Verdict**

1. If you answered YES to Question Nos. 1 through 3 on the form entitled "ADT Claim #1: ADT's Claim for Violation of the Lanham Act Against Security One" your finding should be in favor of ADT Security Services, Inc. and against Security One International, Inc. with respect to ADT's claim for violation of the Lanham Act.
2. If you answered NO to one or more of Question Nos. 1 through 3 on the form entitled "ADT Claim #1: ADT's Claim for Violation of the Lanham Act Against Security One" your finding should be in favor of Security One International, Inc. and against ADT Security Services, Inc. with respect to ADT's claim for violation of the Lanham Act.

We, the jury, find (check only one):

\_\_\_\_\_ in favor of ADT Security Services, Inc. and against Security One International, Inc. with respect to ADT's Claim for violation of the Lanham Act. If you find in favor of ADT, you must answer question 1 on page 5 titled, **ADT Claim #1: ADT's Claim for Violation of the Lanham Act (Damages)**.

\_\_\_\_\_ against ADT Security Services, Inc. and in favor of Security One International, Inc. with respect to ADT's claim for violation of the Lanham Act.

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\_\_\_\_\_ (Jury Foreperson)

**VERDICT FORM**

**ADT Claim #1: ADT's Claim for Violation of the Lanham Act Against Claudio Hand**

**(Preponderance of the Evidence)**

We, the jury, duly empaneled and sworn in this action, upon our oaths, find as set forth below:

1. Did Claudio Hand hire, manage and control Security One's agents?
2. Did those agents make a false or misleading statements of fact, or false or misleading representations of fact?

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

3. Did the false or misleading statements or representations likely cause confusion, or cause mistake, or deceive as to the affiliation, connection, or association of defendants with ADT, General Electric, or Honeywell?

4. Was Plaintiff injured as a result of the false or misleading statements?

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

**ADT Claim #1: ADT's Claim for Violation of the Lanham Act Against Claudio Hand:  
Jury Verdict**

1. If you answered YES to Question Nos. 1 through 4 on the form entitled "ADT Claim #1: ADT's Claim for Violation of the Lanham Act Against Claudio Hand" your finding should be in favor of ADT Security Services, Inc. and against Claudio Hand with respect to ADT's claim for violation of the Lanham Act.
2. If you answered NO to one or more of Question Nos. 1 through 4 on the form entitled "ADT Claim #1: ADT's Claim for Violation of the Lanham Act Against Claudio Hand" your finding should be in favor of Claudio Hand and against ADT Security Services, Inc. with respect to ADT's claim for violation of the Lanham Act.

We, the jury, find (check only one):

\_\_\_\_\_ in favor of ADT Security Services, Inc. and against Claudio Hand with respect to ADT's claim for violation of the Lanham Act. If you find in favor of ADT, you must answer question 1 on page 5 titled, **ADT Claim #1: ADT's Claim for Violation of the Lanham Act (Damages)**.

\_\_\_\_\_ against ADT Security Services, Inc. and in favor of Claudio Hand with respect to ADT's claim for violation of the Lanham Act.

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\_\_\_\_\_ (Jury Foreperson)

**ADT Claim #1: ADT's Claim for Violation of the Lanham Act (Damages)**

1. What is the total amount of ADT Security Service, Inc.'s damages based on Security One and/or Claudio Hand's violation of the Lanham Act.

Answer:       \$\_\_\_\_\_.

**ADT Claim #2: Trade Libel/Trade Disparagement Against Security One**

**(Preponderance of the Evidence)**

We, the jury, duly empaneled and sworn in this action, upon our oaths, find as set forth below:

1. Did Security One and/or its agent make a statement that disparaged the quality of ADT's products or services?

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

2. Was the statement couched as fact, not opinion?

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

3. Was the statement false?

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

4. Was the statement made with malice?

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

5. Did ADT suffer special damages as a result of Security One's statement?

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

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\_\_\_\_\_ (Jury Foreperson)

**ADT Claim #2: Trade Libel/Trade Disparagement Against Security One: Jury Verdict**

1. If you answered YES to Question Nos. 1 through 5 on the form entitled “ADT Claim #2: Trade Libel/Trade Disparagement Against Security One” your finding should be in favor of ADT Security Services, Inc. and against Security One International, Inc. with respect to ADT’s claim for trade libel/trade disparagement.
2. If you answered NO to one or more of Question Nos. 1 through 5 on the form entitled “ADT Claim #2: Trade Libel/Trade Disparagement Against Security One” your finding should be in favor of Security One International, Inc. and against ADT Security Services, Inc. with respect to ADT’s claim for trade libel/trade disparagement.

We, the jury, find (check only one):

\_\_\_\_\_ in favor of ADT Security Services, Inc. and against Security One International, Inc. with respect to ADT’s claim for trade libel/trade disparagement. If you find in favor of ADT, you must answer question 1 on page 10 titled, **ADT Claim #2: Trade Libel/Trade Disparagement (Damages)**.

\_\_\_\_\_ against ADT Security Services, Inc. and in favor of Security One International, Inc. with respect to ADT’s claim for trade libel/trade disparagement.

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\_\_\_\_\_ (Jury Foreperson)



**ADT Claim #2: Trade Libel/Trade Disparagement Against Claudio Hand**

**(Preponderance of the Evidence)**

We, the jury, duly empaneled and sworn in this action, upon our oaths, find as set forth below:

1. Did Claudio Hand cause a statement that disparaged the quality of ADT's product or services to be disseminated?

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

2. Was statement couched as fact, not opinion?

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

3. Was statement false?

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

4. Was statement made with malice?

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

5. Did ADT suffer special damages as a result of the statement?

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

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\_\_\_\_\_ (Jury Foreperson)

**ADT Claim #2: Trade Libel/Trade Disparagement Against Claudio Hand: Jury Verdict**

1. If you answered YES to Question Nos. 1 through 5 on the form entitled “ADT Claim #2: Trade Libel/Trade Disparagement Against Claudio Hand” your finding should be in favor of ADT Security Services, Inc. and against Claudio Hand with respect to ADT’s claim for trade libel/trade disparagement.
2. If you answered NO to one or more of Question Nos. 1 through 5 on the form entitled “ADT Claim #2: Trade Libel/Trade Disparagement Against Claudio Hand” your finding should be in favor of Claudio Hand and against ADT Security Services, Inc. with respect to ADT’s claim for trade libel/trade disparagement.

We, the jury, find (check only one):

\_\_\_\_\_ in favor of ADT Security Services, Inc. and against Claudio Hand with respect to ADT’s claim for trade libel/trade disparagement. If you find in favor of ADT, you must answer question 1 on page 10 titled, **ADT Claim #2: Trade Libel/Trade Disparagement (Damages)**.

\_\_\_\_\_ against ADT Security Services, Inc. and in favor of Claudio Hand respect to ADT’s claim for trade libel/trade disparagement.

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\_\_\_\_\_ (Jury Foreperson)

**ADT Claim #2: Trade Libel/Trade Disparagement (Damages)**

1. What is the total amount of ADT Security Service, Inc.'s damages based on Security One and/or Claudio Hand's trade libel/trade disparagement.

Answer:       \$\_\_\_\_\_.

**ADT Claim #3: Negligence Against Security One**

**(Preponderance of the Evidence)**

We, the jury, duly empaneled and sworn in this action, upon our oaths, find as set forth below:

1. Was Security One negligent?

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

2. Was ADT harmed?

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

3. Was Security One's negligence a substantial factor in causing ADT's harm?

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

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\_\_\_\_\_ (Jury Foreperson)

**ADT Claim #3: Negligence Against Security One: Jury Verdict**

1. If you answered YES to Question Nos. 1 through 3 on the form entitled “ADT Claim #3: Negligence Against Security One” your finding should be in favor of ADT Security Services, Inc. and against Security One International, Inc. with respect to ADT’s claim for negligence.
2. If you answered NO to one or more of Question Nos. 1 through 3 on the form entitled “ADT Claim #3: Negligence Against Security One” your finding should be in favor of Security One International, Inc. and against ADT Security Services, Inc. with respect to ADT’s claim for negligence.

We, the jury, find (check only one):

\_\_\_\_\_ in favor of ADT Security Services, Inc. and against Security One International, Inc. with respect to ADT’s claim for negligence. If you find in favor of ADT, you must answer question 1 on page 23 titled, **ADT Claim #3: Negligence (Damages)**.

\_\_\_\_\_ against ADT Security Services, Inc. and in favor of Security One International, Inc. with respect to ADT’s claim for negligence.

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\_\_\_\_\_ (Jury Foreperson)

**ADT Claim #3: Negligence Against Claudio Hand**

**(Preponderance of the Evidence)**

We, the jury, duly empaneled and sworn in this action, upon our oaths, find as set forth below:

1. Was Claudio Hand negligent?

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

2. Was ADT harmed?

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

3. Was Claudio Hand's negligence a substantial factor in causing ADT's harm?

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

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\_\_\_\_\_ (Jury Foreperson)

**ADT Claim #3: Negligence Against Claudio Hand: Jury Verdict**

1. If you answered YES to Question Nos. 1 through 3 on the form entitled “ADT Claim #3: Negligence Against Claudio Hand” your finding should be in favor of ADT Security Services, Inc. and against Claudio Hand with respect to ADT’s claim for negligence.
2. If you answered NO to one or more of Question Nos. 1 through 3 on the form entitled “ADT Claim #3: Negligence Against Claudio Hand” your finding should be in favor of Claudio Hand and against ADT Security Services, Inc. with respect to ADT’s claim for negligence.

We, the jury, find (check only one):

\_\_\_\_\_in favor of ADT Security Services, Inc. and against Claudio Hand with respect to ADT’s claim for negligence. If you find in favor of ADT, you must answer question 1 on page 23 titled, **ADT Claim #3: Negligence (Damages)**.

\_\_\_\_\_against ADT Security Services, Inc. and in favor of Claudio Hand with respect to ADT’s claim for negligence.

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\_\_\_\_\_ (Jury Foreperson)

**ADT Claim #3: Negligence Per Se Against Security One**

**(Preponderance of the Evidence)**

We, the jury, duly empaneled and sworn in this action, upon our oaths, find as set forth below:

1. Did Security One International violate the Lanham Act?

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

\_\_\_\_\_

2. Was that violation a substantial factor in bringing about harm to ADT?

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

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\_\_\_\_\_ (Jury Foreperson)



**ADT Claim #3: Negligence Per Se Against Security One : Jury Verdict**

1. If you answered YES to Question Nos. 1 through 2 on the form entitled “ADT Claim #3: Negligence Per Se Against Security One” your finding should be in favor of ADT Security Services, Inc. and against Security One International, Inc. with respect to ADT’s claim for negligence.
2. If you answered NO to one or more of Question Nos. 1 through 2 on the form entitled “ADT Claim #3: Negligence Per Se Against Security One” your finding should be in favor of Security One International, Inc. and against ADT Security Services, Inc. with respect to ADT’s claim for negligence.

We, the jury, find (check only one):

\_\_\_\_\_ in favor of ADT Security Services, Inc. and against Security One International with respect to ADT’s claim for negligence per se. If you find in favor of ADT, you must answer question 1 on page 23 titled, **ADT Claim #3: Negligence (Damages)**.

\_\_\_\_\_ against ADT Security Services, Inc. and in favor of Security One with respect to ADT’s claim for negligence.

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\_\_\_\_\_ (Jury Foreperson)

**ADT Claim #3: Negligence Per Se Against Claudio Hand**

**(Preponderance of the Evidence)**

We, the jury, duly empaneled and sworn in this action, upon our oaths, find as set forth below:

1. Did Claudio Hand violate the Lanham Act?

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

\_\_\_\_\_

2. Was that violation a substantial factor in bringing about harm to ADT?

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

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\_\_\_\_\_ (Jury Foreperson)

**ADT Claim #3: Negligence Per Se Against Claudio Hand : Jury Verdict**

1. If you answered YES to Question Nos. 1 through 2 on the form entitled “ADT Claim #3: Negligence Per Se Against Claudio Hand” your finding should be in favor of ADT Security Services, Inc. and against Claudio Hand with respect to ADT’s claim for negligence.
2. If you answered NO to one or more of Question Nos. 1 through 2 on the form entitled “ADT Claim #3: Negligence Per Se Against Claudio Hand” your finding should be in favor of Claudio Hand and against ADT Security Services, Inc. with respect to ADT’s claim for negligence.

We, the jury, find (check only one):

\_\_\_\_\_in favor of ADT Security Services, Inc. and against Claudio Hand with respect to ADT’s claim for negligence per se. If you find in favor of ADT, you must answer question 1 on page 23 titled, **ADT Claim #3: Negligence (Damages)**.

\_\_\_\_\_against ADT Security Services, Inc. and in favor of Claudio Hand with respect to ADT’s claim for negligence.

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\_\_\_\_\_ (Jury Foreperson)

**ADT Claim #3: Negligent Hiring, Supervision, or Retention of Independent Contractor  
Against Security One**

**(Preponderance of the Evidence)**

We, the jury, duly empaneled and sworn in this action, upon our oaths, find as set forth below:

1. Was Scellusaleads unfit or incompetent to perform the work for which it was hired?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

\_\_\_\_\_

2. Did Security One International, Inc. know or should it have known that Scellusaleads was unfit or incompetent and that its unfitness or incompetence created a particular risk for others?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

\_\_\_\_\_

3. Did Scellusaleads' unfitness or incompetence harm ADT?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

4. Was Security One's negligence in hiring, supervising and/or retaining Scellusaleads a substantial factor in causing ADT's harm?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

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\_\_\_\_\_ (Jury Foreperson)

**ADT Claim #3: Negligent Hiring, Supervision, or Retention of Independent Contractor  
Against Security One: Jury Verdict**

1. If you answered YES to Question Nos. 1 through 5 on the form entitled “ADT Claim #3: Negligent Hiring, Supervision, or Retention of Independent Contractor Against Security One,” your finding should be in favor of ADT Security Services, Inc. and against Security One International, Inc. with respect to ADT’s claim for negligence.
2. If you answered NO to one or more of Question Nos. 1 through 2 on the form entitled “ADT Claim #3: Negligent Hiring, Supervision, or Retention of Independent Contractor Against Security One” your finding should be in favor of Security One International, Inc. and against ADT Security Services, Inc. with respect to ADT’s claim for negligence.

We, the jury, find (check only one):

\_\_\_\_\_ in favor of ADT Security Services, Inc. and against Security One International with respect to ADT’s claim for negligent hiring, supervision, or retention of independent contractor. If you find in favor of ADT, you must answer question 1 on page 23 titled, **ADT Claim #3: Negligence (Damages)**.

\_\_\_\_\_ against ADT Security Services, Inc. and in favor of Security One with respect to ADT’s claim for negligence.

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\_\_\_\_\_ (Jury Foreperson)

**ADT Claim #3: Negligent Hiring, Supervision, or Retention of Independent Contractor  
Against Claudio Hand**

**(Preponderance of the Evidence)**

We, the jury, duly empaneled and sworn in this action, upon our oaths, find as set forth below:

1. Was Scellusaleads unfit or incompetent to perform the work for which it was hired?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

\_\_\_\_\_

2. Did Claudio Hand know or should he have known that Scellusaleads was unfit or incompetent and that its unfitness or incompetence created a particular risk for others?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

\_\_\_\_\_

3. Did Scellusaleads' unfitness or incompetence harm ADT?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

4. Was Claudio Hand negligent in hiring, supervising and/or retaining Scellusaleads a substantial factor in causing ADT's harm?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

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\_\_\_\_\_ (Jury Foreperson)

**ADT Claim #3: Negligent Hiring, Supervision, or Retention of Independent Contractor  
Against Claudio Hand: Jury Verdict**

1. If you answered YES to Question Nos. 1 through 5 on the form entitled “ADT Claim #3: Negligent Hiring, Supervision, or Retention of Independent Contractor Against Claudio Hand,” your finding should be in favor of ADT Security Services, Inc. and against Claudio Hand with respect to ADT’s claim for negligence.
2. If you answered NO to one or more of Question Nos. 1 through 2 on the form entitled “ADT Claim #3: Negligent Hiring, Supervision, or Retention of Independent Contractor Against Claudio Hand,” your finding should be in favor of Claudio Hand and against ADT Security Services, Inc. with respect to ADT’s claim for negligence.

We, the jury, find (check only one):

\_\_\_\_\_ in favor of ADT Security Services, Inc. and against Claudio Hand with respect to ADT’s claim for negligent hiring, supervision, or retention of independent contractor. If you find in favor of ADT, you must answer question 1 on page 23 titled, **ADT Claim #3: Negligence (Damages)**.

\_\_\_\_\_ against ADT Security Services, Inc. and in favor of Security One with respect to ADT’s claim for negligence.

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\_\_\_\_\_ (Jury Foreperson)

**ADT Claim #3: Negligence (Damages)**

1. What is the total amount of ADT Security Service, Inc.'s damages based on Security One and/or Claudio Hand's negligence?

Answer:       \$\_\_\_\_\_.